



## Helpful tips for succession planning



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A good succession plan gives one a measure of control over matters of administration of his estate upon death. Without a proper succession plan in place, important decisions over ones estate are usually left up to a court determination with the attendant delays and costs.

Below are some items and information which if well-organized might assist your loved ones to easily handle your affairs upon your death:

### 1. Draft a will

Anyone of sound mind and over 18 years can make a will. A will acts as a guide for the distribution of your assets. It can prevent a lot of the turmoil that has now become common place in Kenya where heirs constantly fight over assets left behind by deceased persons.

Among other things, your will can make provision for how you wish your body to be disposed of (cremation, burial, donation to a laboratory for studies etc.) and the location thereof.

An executor sees to it that your will is administered in the event of your death. Although there is no legal requirement for a will to be written by a lawyer, it is recommended that the same be written under legal supervision to ensure that it complies with all the legal formalities.

### 2. List all your assets

Make a list of all your personal and real properties. Personal assets include physical items like vehicles, jewellery, furniture, farm equipment etc. and non-physical assets comprise of such things as CDS accounts, bank accounts, insurance policies etc. Real estate, on the other hand, is property consisting of land along with its natural resources and the buildings on it.



In case of bank accounts state all the account numbers, the concerned bank and branch. With respect to real estate, list the title numbers and indicate the location of the title documents (title deeds, certificates, sale agreements etc.) if they are in your possession; if the documents are not with you, give the contact information of the persons or firms holding the same.

### 3. List of liabilities

These may include mortgages, car loans, and other personal debts like credit card debts, personal loans from individuals etc. State the particulars of the loans e.g. the name of the creditor and account number, location of the signed loan agreements, charges, securities and other documents or contact information of the creditors.



#### 4. Review your retirement plans/pension

Where you have designated specific persons in the employment forms for this purpose, usually your pension will pass directly to the named beneficiaries upon death without the need to go through the Court succession process.

You should contact your employer for a review of your plan to ensure that the intended beneficiaries are current and that their shares are as per your wishes. This is especially important if a listed beneficiary has died, you have divorced or remarried or you wish to change a beneficiary for any other reason.

#### 5. Review your insurance policies

Just like with pensions, insurance benefits will pass to the beneficiaries listed in the policy. It is important to review your policies; you might want to change your beneficiaries for whatever reason e.g. after you marry or divorce.

#### 6. Regularly review documents

You should review your will periodically for

purposes of ensuring that the same is up to date. This can be done according to individual preference but it must be done after major life-changing events like marriage, divorce, birth of a child etc. Your assets may also change in the course of time.

#### 7. Other important documents and Information

You should provide information on how to unlock your phone, computer and other applications with information pertinent to the administration of your estate. This would include passwords for phones, computers, and social media accounts, apps etc.

Also, assign guardianship for your children, if necessary. Of course, one can usually rely on the surviving spouse to care for minor children. However, things are not always so clean cut; you might have a situation where both parents pass away or one is an absentee parent or even that the deceased is a single parent for whatever reason. In such situations it is important for one to choose a guardian.